

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

HUEYLI LI,

Plaintiff,

vs.

UNIVERSITY OF AKRON,

Defendant.

CASE NO. 5:21 CV-02277

JUDGE SARA LIOI

**DEFENDANT'S RESPONSE TO
PLAINTIFF'S MOTION FOR WITHDRAWAL OF COUNSEL**

On November 2, 2022, Plaintiff filed a Motion for Withdrawal of Counsel. (Doc. 17).

Defendant, The University of Akron (“UA”), files the within response to provide further context to the Court regarding the discovery conducted to date and to also request clarity regarding case deadlines moving forward.

I. FACTUAL HISTORY

This is an employment discrimination action filed on December 3, 2021. (Doc. 1).

Pursuant to the Case Management Plan and Trial Order, the fact discovery deadline is November 18, 2022. (Case No. 5:21-cv-02254, Doc. 13).¹ Contrary to Plaintiff’s assertion, there is a dispositive motion deadline and it is January 13, 2023. (Doc. 13). The trial is scheduled to begin on August 21, 2023. (Doc. 13).

The parties have regularly provided Joint Status Reports pursuant to this Court’s directive. (Docs. 13, 14, 15, 16). These Reports detail the discovery that has taken place to date. The parties engaged in extensive written discovery, including Interrogatories, Requests for Production of

¹ The Case Management Plan contains the correct case caption and case number for this matter, but was inadvertently filed in a different employment discrimination action filed against UA. (See Case No. 5:21-cv-02254).

Documents, Requests for Admissions, and the mutual exchange of hundreds of pages of documents. As reflected in the September 8, 2022 Joint Status Report (Doc. 15), written discovery was complete as of that date. Further, the parties confirmed the deposition schedule by the end of September 2022. Plaintiff deposed the two primary decision makers in this case, Jarrod Tudor and Lisa Lenhart. Tudor's deposition took place on October 4, 2022, while Lenhart's deposition occurred on October 11, 2022.

Plaintiff's deposition has been scheduled for November 2, 2022 for some time. UA provided Plaintiff with a Notice of Deposition to this effect on September 29, 2022. The Tudor and Lenhart depositions went forward on October 4 and 11, 2022, as scheduled. Plaintiff provided no notification to Defendant before November 2, 2022 that she intended to take any additional depositions before the current discovery deadline of November 18, 2022.

On October 30, 2022, Plaintiff's counsel sent Defendant's counsel an email indicating that his client "has informed me that she will not be able to appear for her deposition on November 2, 2022. I also regret to inform you that tomorrow I will file a Motion to Withdraw from the case at her request. I will request that the Court grant extensions of discovery and dispositive motion deadlines for her to decide whether to employ new counsel or go pro se. I have not been contacted by any replacement counsel."

II. MODIFICATION OF DEADLINES

Plaintiff filed her Motion for Withdrawal of Counsel on November 2, 2022. (Doc. 17). In her Motion, Plaintiff requests a 63-day extension of the discovery deadline to January 20, 2023. UA opposes a blanket extension of the fact discovery deadline without limitations upon Plaintiff under the circumstances.

Given the extensive discovery practice that has already occurred , UA respectfully requests that Plaintiff (whether proceeding *pro se* or with the assistance of replacement counsel) not be permitted to “reopen” discovery through additional written discovery requests or the taking of additional depositions. Plaintiff took two key depositions to advance her case and there would be no time for all practical purposes to depose anyone else given the very short period remaining to conduct discovery.

UA properly noticed and intends on taking Plaintiff’s deposition. Plaintiff should not be allowed to skirt the taking of her deposition under the circumstances. At this time, UA does not plan on taking any further depositions, unless Plaintiff’s testimony requires otherwise.

UA proposes the following case schedule:

December, 2, 2022: Plaintiff to identify potential replacement counsel, or confirm she is proceeding *pro se*.

January 20, 2023: Deadline for Completing Fact Discovery (limited to Plaintiff’s deposition and other depositions UA may take as a result of Plaintiff’s deposition testimony).

February 27, 2023: Deadline for Filing Dispositive Motions.

March 27, 2023: Deadline for Filing Opposition to Dispositive Motions.

April 10, 2023: Deadline for Filing Replies to Responses.

A telephonic status conference is presently scheduled for **December 19, 2022 at 12:00 p.m.** UA respectfully requests that this conference remain intact.

UA also requests a corresponding extension of the expert discovery deadlines, final pre-trial conference and trial dates at the Court’s convenience.

UA stands ready to participate in a status conference call if the Court so desires.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This will certify that the foregoing was filed electronically on November 3, 2022. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. Further, a copy of this filing was sent by regular U.S. mail and by e-mail to Plaintiff at the following addresses:

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/s/ Drew C. Piersall
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